

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Lance Gillespie Brooks

Case: 2:22-mj-30138

Assigned To : Unassigned

Assign. Date : 3/16/2022

Case No.

Description: RRE: LANCE
GILLESPIE BROOKS (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/22/2021 and 2/8/2022 in the county of Wayne in theEastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

Felon in possession of a firearm and ammunition

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*Special Agent Mark Davis, A.T.F.*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.*Judge's signature*Date: March 16, 2022City and state: Detroit, MichiganHon. David R. Grand, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Mark Davis, a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, hereby declare and state:

I. PURPOSE OF THE AFFIDAVIT

1. I am a Special Agent with the ATF. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 21 U.S.C. § 801, et. seq. and 18 U. S.C. § 2516.

2. The facts set forth in this Affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the issuance of the requested criminal complaint and arrest warrants. Thus, this Affidavit does not set forth all of my knowledge of this investigation.

3. Based on the facts set forth in this Affidavit, there is probable cause to believe that on September 22, 2022, and on February 8, 2022, in Detroit, Michigan, Lance Gillespie BROOKS (D.O.B. 02/13/1982), knowing that he was previously convicted of a crime punishable by more than one year of imprisonment, possessed

two Glock-type firearms, which were made from BBS Kits (Buy, Build, Shoot) and an assortment of live rounds of ammunition. These possessions are in violation of Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm and Ammunition.

II. AFFIANT BACKGROUND AND EXPERIENCE

4. I am a Special Agent (“SA”) with the United States Department of Justice, ATF, currently assigned to the Detroit Field Division, Detroit VII Group Office. I have completed the following professional training at the Federal Law Enforcement Training Center (“FLETC”), Glynco, Georgia: Criminal Investigator Training Program (12 weeks) and Special Agent Basic Training at the ATF National Academy, located at FLETC (14 weeks). I also received specialized training while attending the academies at FLETC, concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the Controlled Substance Act within Title 21 of the United States Code. The specialized training that I have received includes but is not limited to: surveillance, interviewing, writing of warrants, handling of evidence, arrest procedures, search procedures, and testifying in court. Since beginning my ATF career in December 2014, I have actively participated in a high volume of cases involving prohibited persons possessing firearms, persons trafficking firearms and controlled substances, persons possessing illegal firearms, persons affiliated with gang activity, and persons who have

committed arson. I have also interviewed confidential informants, witnesses, cooperating defendants, criminal defendants, and other persons engaged in violations of federal law. During my time as a SA in the ATF Los Angeles Field Division, I participated in over 200 law enforcement operations with federal joint task forces and state and local police involving the investigation of violations of firearms, arson, and narcotics laws.

III. PROBABLE CAUSE

5. Probable cause has been established from a review of records, reports, a state warrant, and speaking to other police officers familiar with the criminal investigation. The following information summarizes the events that establish probable cause for the requested criminal complaint and arrest warrant:

6. On March 14, 2022, I reviewed Detroit Police Department (DPD) Investigative Reports dated 09/22/2021 and 12/11/2021, with supplemental reports attached, dated 02/08/2022. I also reviewed a State of Michigan Affidavit and Search Warrant and Lance BROOKS's criminal history from the states of Michigan and Texas. The State of Michigan, County of Wayne, Search Warrant (signed on 02/07/22 by a 36th District Magistrate Judge) authorized police to search 5580 Greenway St. Detroit, MI 48204, a private residence known to be inhabited by BROOKS. BROOKS's criminal history revealed he has been arrested multiple times

and has previously been convicted of three felonies, two in Michigan and one in Texas.

Domestic Violence Incident on 09/21/2021

7. On September 22, 2021, at approximately 1:42 PM, Detroit Police Department Patrol Officers responded to call for service for an incident that took place at a residence located at 5580 Greenway St., Detroit, MI 48204. A woman reported that she the victim of an aggravated assault by Lance BROOKS on the night prior (09/21/2021). After responding to the call, DPD Patrol Officer Leticia Bosemon documented in a report that the victim stated she arrived at the residence around 11:00 PM on 09/21/21 and saw BROOKS with another female. The female victim stated to Officer Bosemon that she exited her vehicle and got into verbal argument with BROOKS. During the exchange, the victim stated that she attempted to “mush” BROOKS in the face, during which time, the verbal argument turned physical. At this point, the victim stated that BROOKS, using his open hand, pushed her down a set of stairs and she fell, but climbed back up the stairs and continued to engage with BROOKS. During the physical altercation, the victim stated that BROOKS grabbed a belt and tried to wrap it around her neck, but she was able to fight him off. As both the victim and BROOKS continued to fight, BROOKS utilized a black handgun and hit her in the face with it. After being hit, the victim stated that she went to Henry Ford Hospital for treatment. The next morning the victim stated

she called BROOKS and received a text message from him that stated, “Put my shit in my mailbox today and leave the fuck alone.” The victim mentioned that she and BROOKS had been together for three years, and he had shot at her the previous month, but she did not report it at the time.

8. DPD Patrol Officer C. Gibbs spoke with BROOKS about the incident. BROOKS stated to DPD Officer C. Gibbs that he spoke to the female victim that night and told her he would be home in one hour. BROOKS stated that he had been in a relationship with the victim for approximately two years. BROOKS stated that the female victim showed up to the residence with his friend, and she observed BROOKS sitting at the table with another female. During this time, the victim became enraged and began shouting at the other female. BROOKS stated that the victim picked up a can of WD-40 oil and threw it at him, but it didn’t hit him. BROOKS said that he tried to talk with the victim but she “mushed him in the face.” BROOKS told DPD Officer C. Gibbs that the encounter became physical and the victim bit and scratched him on the face and neck when they “tussled” in the hallway. BROOKS stated that they both “slipped” down a set of stairs.

**Arrest of BROOKS and Search Warrant #1 Conducted at
5580 Greenway St. on 09/22/2021 by DPD**

9. On September 22, 2021, at approximately 5:56 PM, DPD supervisors at the Tenth Precinct authorized DPD Patrol Officers to transport BROOKS to the Detroit Detention Center for booking on violations of aggravated assault/felonious

assault related to the incident that took place the night prior at his residence. At approximately 6:39 PM, DPD Tenth Precinct Officers executed a search warrant at BROOKS's residence for firearms and ammunition evidence items, since he was previously convicted of felonies and prohibited from possessing firearms and ammunition.

10. During the search of the residence, DPD Officers discovered live rounds of ammunition on the first floor in a bedroom nightstand: two rounds of Sig Sauer .45 caliber ammunition, one round of 10mm caliber ammunition, and one round of .223 caliber ammunition. Another DPD Officer discovered an olive drab green frame and silver slide Polymer 80, model PF45 kit, Glock-type (resembling a Glock model 20L pistol), 10mm caliber, semi-automatic pistol, loaded with 15 rounds of assorted 10mm ammunition, laying on top of a box, next to a bed, in BROOKS's bedroom. That Officer also discovered two pistol holsters and two pistol boxes, which contained multiple pistol magazines, underneath the bed. During the search of the residence, another DPD Officer discovered a black handgun holster from the floor in the main bedroom, along with a rifle scope, nine (9) rounds of Hornady .38 Special caliber ammunition, six (6) live rounds of .40 caliber ammunition, three (3) .380 caliber rounds of ammunition, and one (1) .38 SPL round.

11. The property seized during the search warrant by DPD Tenth Precinct Police Officers was placed into evidence. The property seized amounted to the

following: 1 proof of residence (USAA Mailing) to Lance BROOKS at the 5580 Greenway St. address, 4 black handgun holsters, 1 black Kimber .45 caliber pistol magazine loaded with multiple rounds of .45 caliber ammunition, 1 plastic .40 caliber magazine loaded with one live round of .40 caliber ammunition, 1 Glock pistol magazine, 1 rifle scope, 1 extended Glock magazine loaded with multiple rounds of 10mm caliber ammunition, 26 rounds of Browning 7.65mm caliber ammunition, three 12 gauge shotgun shells and five .45 caliber rounds of ammunition contained in a plastic bag, 9 rounds of Hornady .38 Special caliber ammunition, 1 Glock gun box, 1 black Colt gun box, 2 live rounds of .45 caliber ammunition, 1 live round of 10mm caliber ammunition, one live round of .223 caliber ammunition and one olive drab green color frame/silver color slide, Polymer 80, Model PF45, Glock-type, 10mm caliber, semi-automatic pistol, resembling a Glock model 20L semi-automatic pistol, loaded with 15 rounds of 10mm ammunition inside the magazine.

Shooting Incident on 12/11/2021 at 2911 W Buena Vista St. Detroit, MI 48238

13. On December 11, 2021, DPD Officers Aaron Dudek and Collin Howells were conducting a traffic stop near the intersection of Linwood and Davison and heard approximately ten gunshots go off. After hearing the gunshots ring out, the Officers began canvassing the area for any investigative leads. Roughly around the same time, Officer Dudek received information from DPD Dispatch to report to

an address on W. Buena Vista St. to assist a resident who called 911 and reported that shots were just fired into her house.

14. Upon arrival, Officer Dudek spoke to the previously mentioned female victim, who stated that her house was shot at by her ex-boyfriend, Lance BROOKS. The female victim stated she had been lying on the couch when she heard some noise on the western side of the house along with dogs barking outside. The victim stated that she looked outside the window and observed a male trying to approach the house unnoticed. During this time, the victim decided to check on her children in the bedroom. Around the same time, the victim heard gunshots and observed bullets hitting the interior of her home. The victim stated she grabbed her daughters and got on the floor, where she called for police assistance. While on scene, Officer Dudek was able to locate multiple rifle shell casings outside and observed multiple bullet entry holes in the victim's residence.

15. On the same day, DPD Forensic Technicians were requested to assist at the aforementioned W. Buena Vista Street residence for evidence collection and processing for the shooting incident that took place. They reported that four (4) .223 caliber shell casings were found on the street in front of W. Buena Vista St. and seven (7) additional .223 caliber shell casings were found on the south berm of W. Buena Vista St. They further reported that there were five bullet impacts and corresponding damages on the interior and exterior of the residence.

**Arrest of BROOKS and Search Warrant #2 Conducted at
5580 Greenway St. on 02/08/22 by DPD**

16. On February 7, 2022, a DPD Detective from the 10th Precinct secured a State of Michigan, County of Wayne, Search Warrant authorizing the search and seizure of evidence items related to the shooting that took place on December 11, 2021.

17. On February 8, 2022, at approximately 11:30 AM, DPD Police Officers executed that search warrant at BROOKS's residence, at 5580 Greenway St. While knocking on the door and announcing their police presence, the search warrant personnel contacted BROOKS and placed him into custody. After BROOKS was secured, the search warrant team initiated a search on the residence. BROOKS was the only occupant in the home.

18. During the search of the residence, a DPD Tenth Precinct Officer recovered the following items: a clear plastic pistol magazine found on the main bedroom nightstand, a silver metal 1911 style pistol magazine containing eleven (11) rounds of .45 caliber ammunition found on the main bedroom nightstand, a UTG weapon mounted flashlight found on the main bedroom nightstand. Another DPD Officer recovered the following items: twelve (12) rounds of 9 x 19mm ammunition found in the living room, and one State of Michigan Court Summons Order belonging to Lance G. BROOKS with his listed address on it. Another DPD Officer recovered one black Polymer 80, model PF940c, 9 x 19mm caliber, semi-automatic

pistol, with a threaded barrel on the muzzle, resembling a Glock model 19, found in the northwestern bedroom on the bed, loaded with two (2) live rounds of 9 x 19mm caliber ammunition inside the pistol's magazine.

**BROOKS Possessed Specific Firearms that ATF defines under the
GCA of 1968, Under 18 U.S.C. Section 921(a)(3)**

20. As described above, on 09/22/21 and 02/08/22, during the execution of separate search warrants, police seized two pistols from BROOKS, at his place of residence. Both pistols were Polymer80 products. Polymer80 is an ATF licensed (Type 07) manufacturer based out of the State of Nevada. Polymer80 sells various “Buy, Build, Shoot” (BBS) kits to customers around the United States, and some of the kits contain all of the necessary components to build a complete pistol, specifically the Polymer80, PF940c kit and the PF940v2 kit. Polymer80 offers many different varieties of the kit depending on what type of pistol/caliber of pistol the customer wishes to build.

21. The ATF Office of Chief Counsel has concluded that because these specific kits are weapons that are “designed to or may readily be converted to expel a projectile by action of explosive,” it is defined as a firearm under the GCA. Therefore, since the recovered item is defined as a firearm because it could readily be converted to expel a projectile, and the Polymer80, model PF940c, 9 x 19mm, semi-automatic pistol, resembling a Glock model 19 was converted, and since it originated from the State of Nevada, an interstate nexus can be established on the

pistol that was recovered from BROOKS's possession on 02/08/2022 by the Detroit Police Department. The ATF Office of Chief Counsel concludes that the kits are marketed as kits designed to become pistols, are designed with all of the components necessary to produce functional pistols including the jig (template), contain objective design features of Glock-type semi-automatic pistols, and once finished and assembled, actually function as designed to fire ammunition, and therefore, meet the definition of a firearm. Since the kits are sold as an aggregation of parts that can be made into a weapon, the Polymer80 model PF940c kits are firearms.

22. ATF holds a certain legal position on Self-Made Firearms (SMF) and that position applies in this criminal investigation, specifically as it pertains to the recovery of the self-made firearm, the Polymer 80, model PF45, 10mm caliber, semi-automatic pistol, resembling a Glock model 40, recovered from BROOKS's possession on 09/22/2021 by the Detroit Police Department during a search warrant. 18 U.S.C. Section 922(g) contains an overt interstate nexus element, which prosecutors have historically proven by demonstrating the firearm in question crossed state lines. This is not the case with respect to SMFs for which there are no markings evidencing their movement in interstate commerce. However, the statute also provides that under § 922(g) it is illegal for a prohibited person to possess a firearm that has affected interstate commerce. I am an Interstate Nexus Agent. On March 15, 2022, I physically examined the Polymer 80, model PF45, 10mm caliber,

semi-automatic pistol and noted the major components have been sourced from other states and assembled together, in order to create a fully functional firearm product. Specifically, I noticed that the 80% completed frame was created by Polymer80, a company based in Dayton, Nevada, the AlphaWolf G20L Gen3 OEM Profile pistol slide was created by Lone Wolf, a company based in Priest River, Idaho, and the KKM Glock 20 Match 10mm 6 inch barrel (Gen 1-4) was created by KKM Precision, a company based in Carson City, Nevada.

23. The ATF Office of Chief Counsel has stated that the manufacture of any firearm is an economic activity involving a pervasively regulated commodity, which in the aggregate affect interstate commerce. Additionally, the possession of firearms by prohibited persons, particularly felons who often use firearms in criminal activity, is an activity which affects interstate commerce.

**.45 Caliber Ammunition Recovered from BROOKS's Possession
During Search Warrant on 09/22/2021**

24. I examined the eight (8) rounds of assorted .45 caliber ammunition contained in a 1911 style blue steel pistol magazine. The loaded pistol magazine was recovered by the Detroit Police Department from BROOKS's residence during a search warrant on September 22, 2021.

25. Upon examination, I noted that five (5) of the .45 caliber rounds of ammunition were manufactured by Remington. The cartridge casings contained headstamps marked with, "R P 45 Auto." Based on the headstamps, and my training

and experience, I believe that these cartridge casings were manufactured by Remington in the state of Arkansas.

26. I noted that the other three (3) rounds of .45 caliber ammunition were manufactured by Sig Sauer. The cartridge casings contained headstamps marked with, "Sig 45 Auto." Based on the headstamps, and my training and experience, I believe that the cartridge casings were manufactured by Sig Sauer in either the State of Kentucky or the State of Arkansas.

BROOKS'S CRIMINAL HISTORY

27. I reviewed BROOKS's Computerized Criminal History (CCH) and observed the following state felony convictions:

- On 03/11/2008 in the Wayne County Third Circuit Court – Criminal Division, BROOKS was convicted by a jury of domestic violence (violation of MCL 750.812)(Court Case No. 07-020778-01-FH).
- On 10/07/2015 in the Wayne County Third Circuit Court – Criminal Division, BROOKS pled guilty to one felony count of carrying a concealed weapon (violation of MCL 750.227) (Court Case No. 15-008358-01-FH)
- On 10/13/2016 in the Wayne County Third Circuit Court – Criminal Division, BROOKS pled guilty to one felony count of carrying a concealed weapon (violation of MCL 750.227) (Court Case No. 16-005651-01-FH)

- On 06/18/2021 in Franklin County in Texas, BROOKS pled guilty to one 2nd degree felony count of possession of a controlled substance (Texas Health and Safety Code Section 481.116) (Court Case No. F9543)

28. Based on my training and experience and knowledge of the State of Michigan criminal judicial system and my knowledge of persons who have extensive criminal records like BROOKS, BROOKS would certainly have knowledge that he is prohibited from possessing firearms. In all three State of Michigan, County of Wayne, 3rd Judicial Circuit Court Cases against BROOKS, he was sentenced to various terms of probation. I know that as part of probation agreements, the offender willingly agrees to abide by all terms and conditions set forth by the Michigan Department of Corrections, in those terms, the offender willingly agrees not to possess firearms and ammunition and signs off on those conditions. During sentencing and while serving probation, BROOKS would have reviewed his probation terms on paper, signed off on them and therefore, would have been aware he was no longer authorized to possess firearms and ammunition because of his felony conviction statuses.

IV. CONCLUSION

23. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on September 22, 2021, and on February 8, 2022, within the Eastern District of Michigan, Lance Gillespie BROOKS possessed two semi-automatic pistols and various assorted rounds of ammunition, while being prohibited from possessing firearms and ammunition, in violation of Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm and Ammunition.



Special Agent Mark Davis
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to and signed in my presence
and/or by reliable electronic means



Hon. David R. Grand
United States Magistrate Judge

March 16, 2022